



PATENT  
Docket No.: 16869P-042900US  
Client Ref. No.: 210000749US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Takenori HIROSE, et al.

Application No.: 10/081,385

Filed: February 20, 2002

For: FILM THICKNESS MEASURING  
METHOD AND APPARATUS, AND THIN  
FILM DEVICE MANUFACTURING  
METHOD AND MANUFACTURING  
APPARATUS USING SAME

Examiner: Hwa S. Lee

Art Unit: 2877

**PETITION UNDER 37 CFR 1.78(a)(3)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 21, 2005

Sir:

Applicant petitions for an unintentionally delayed domestic priority claim under 37 CFR 1.78(a)(3) and a(6). The specification has been amended to include the reference required by 35 USC 120 and paragraph a(2) of this section. The surcharge set forth in § 1.17(t) is included on the accompanying Fee Transmittal. A statement that the entire delay between the date the claim was due under paragraph a(2)(ii) and the date the claim was filed was unintentional is included.

Respectfully submitted,

A handwritten signature in cursive ink, appearing to read "Robert C. Colwell".

Robert C. Colwell  
Reg. No. 27,431

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200 / Fax: (415) 576-0300  
RCC:JDC:gjs  
60530183 v1

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

JUL 15 2005 For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 1370)

<b>Complete if Known</b>	
Application Number	10/081,385
Filing Date	February 20, 2002
First Named Inventor	Hirose, Takenori
Examiner Name	Hwa S. Lee
Art Unit	2877
Attorney Docket No.	16869P-042900US

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<b>Application Type</b>	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		<b>Small Entity</b>
	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

200 100

Multiple dependent claims

360 180

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>	
				<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
27	-20 or HP = 36	x	= 0		

HP = highest number of total claims paid for, if greater than 20

<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>	
				<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
7	-3 or HP = 9	x	= 0		

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
	- 100 =	/ 50 = (round up to a whole number) x		=

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Petition Fee - (37 CFR 1.17(t)) - Acceptance of an

Other: unintentionally delayed claim for priority

1370

**SUBMITTED BY**

Signature	Jesus Del Castillo	Registration No. (Attorney/Agent)	51,604	Telephone	650-326-2400
Name (Print/Type)	Jesus Del Castillo			Date	July 22, 2005